

Representative Jordan D. Teuscher proposes the following substitute bill:

PARTICIPATION IN EXTRACURRICULAR ACTIVITIES

AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: Lincoln Fillmore

LONG TITLE

General Description:

This bill provides students attending a private school, a home school, a charter school, and an online school a process for requesting participation in extracurricular activities outside of the student's public school of residence.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ allows a private school student, a home school student, a charter school student, or an online school student to participate in extracurricular activities outside of the student's public school of residence under certain circumstances; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



26 [53G-6-703](#), as last amended by Laws of Utah 2019, Chapter 293
 27 [53G-6-704](#), as last amended by Laws of Utah 2019, Chapter 293
 28 [53G-6-705](#), as last amended by Laws of Utah 2019, Chapter 293

30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section [53G-6-703](#) is amended to read:

32 **[53G-6-703. Private school and home school students' participation in](#)**
 33 **[extracurricular activities in a public school.](#)**

34 (1) As used in this section:

35 (a) "Academic eligibility requirements" means the academic eligibility requirements
 36 that a home school student is required to meet to participate in an extracurricular activity in a
 37 public school.

38 (b) "Association" means the same as that term is defined in Section [53G-7-1101](#).

39 (c) "Extracurricular activity" means the same as that term is defined in Section
 40 [53G-7-501](#).

41 (d) "Initial establishment of eligibility requirements" means an association's eligibility
 42 requirements, policies, procedures, and transfer rules that a school student in grade 9 or 10
 43 must meet, and to which the student is bound, to participate on a high school sports team when
 44 the student:

45 (i) attends the high school in which the student is selected for membership on a high
 46 school sports team; or

47 (ii) does not attend the high school in which the student tries out for and is selected for
 48 membership on a high school sports team.

49 ~~[(b)]~~ (e) "Minor" means the same as that term is defined in Section [53G-6-201](#).

50 ~~[(c)]~~ (f) "Parent" means the same as that term is defined in Section [53G-6-201](#).

51 ~~[(d)]~~ (g) "Principal" means the principal of the school in which a home school student
 52 participates or intends to participate in an extracurricular activity.

53 (2) (a) A minor who is enrolled in a private school or a home school shall be eligible to
 54 participate in an extracurricular activity at a public school as provided in this section.

55 (b) A private school student may only participate in an extracurricular activity at a
 56 public school that is not offered by the student's private school.

57 (c) (i) Except as provided in Subsection (2)(d), a private school student or a home
58 school student may only participate in an extracurricular activity at:

59 ~~[(i)]~~ (A) the school ~~[within whose]~~ with attendance boundaries within which the
60 student's custodial parent resides; or

61 ~~[(ii)]~~ (B) the school from which the student withdrew for the purpose of attending a
62 private or home school.

63 (ii) A private school student or a home school student retains the ability to participate
64 in an extracurricular activity at a school described in Subsection (2)(c)(i) if the student did not
65 initially establish the student's eligibility at another school in grade 9 or 10.

66 (d) A school other than a school described in Subsection (2)(c)(i) ~~[or (ii)]~~ may allow a
67 private school student or a home school student to participate in an extracurricular activity
68 ~~[other than:]~~ that the public school sponsors and supports if:

69 (i) for an interscholastic competition of athletic teams [sponsored and supported by a
70 public school, or], the private school student or the home school student meets the initial
71 establishment of eligibility requirements;

72 (ii) for an interscholastic contest or competition for music, drama, or forensic groups or
73 teams [sponsored and supported by a public school:], the private school student, subject to
74 Subsection (2)(b), or the home school student meets the entry requirements for participation;

75 (iii) the private school student or the home school student meets the eligibility
76 requirements under this section; and

77 (iv) the private school student or the home school student meets the enrollment
78 requirements for public school in accordance with Part 4, School District Enrollment.

79 (3) (a) Except as provided in Subsections (4) through (13), a private school student or a
80 home school student shall be eligible to participate in an extracurricular activity at a public
81 school consistent with eligibility standards:

82 (i) applied to a fully enrolled public school student;

83 (ii) of the public school where the private school student or the home school student
84 participates in an extracurricular activity; and

85 (iii) for the extracurricular activity in which the private school or the home school
86 student participates.

87 (b) A school district or public school may not impose additional requirements on a

88 private school student or a home school student to participate in an extracurricular activity that
89 are not imposed on a fully enrolled public school student.

90 (c) (i) A private school student or a home school student who participates in an
91 extracurricular activity at a public school shall pay the same fees as required of a fully enrolled
92 public school student to participate in an extracurricular activity.

93 (ii) If a local school board or a charter school governing board imposes a mandatory
94 student activity fee for a student enrolled in a public school, the fee may be imposed on a
95 private school student or a home school student who participates in an extracurricular activity
96 at the public school if the same benefits of paying the mandatory student activity fee that are
97 available to a fully enrolled public school student are available to a private school student or a
98 home school student who participates in an extracurricular activity at the public school.

99 (4) Eligibility requirements based on school attendance are not applicable to a home
100 school student.

101 (5) A home school student meets academic eligibility requirements to participate in an
102 extracurricular activity if:

103 (a) the student is mastering the material in each course or subject being taught; and

104 (b) the student is maintaining satisfactory progress towards achievement or promotion.

105 (6) (a) To establish a home school student's academic eligibility, a parent, teacher, or
106 organization providing instruction to the student shall submit an affidavit to the principal
107 indicating the student meets academic eligibility requirements.

108 (b) Upon submission of an affidavit pursuant to Subsection (6)(a), a home school
109 student shall:

110 (i) be considered to meet academic eligibility requirements; and

111 (ii) retain academic eligibility for all extracurricular activities during the activity season
112 for which the affidavit is submitted, until:

113 (A) a panel established under Subsection (10) determines the home school student does
114 not meet academic eligibility requirements; or

115 (B) the person who submitted the affidavit under Subsection (6)(a) provides written
116 notice to the school principal that the student no longer meets academic eligibility
117 requirements.

118 (7) (a) A home school student who loses academic eligibility pursuant to Subsection

119 (6)(b)(ii)(B) may not participate in an extracurricular activity until the person who submitted
120 the affidavit under Subsection (6)(a) provides written notice to the school principal that the
121 home school student has reestablished academic eligibility.

122 (b) If a home school student reestablishes academic eligibility pursuant to Subsection
123 (7)(a), the home school student may participate in extracurricular activities for the remainder of
124 the activity season for which an affidavit was submitted under Subsection (6)(a).

125 (8) A person who has probable cause to believe a home school student does not meet
126 academic eligibility requirements may submit an affidavit to the principal:

127 (a) asserting the home school student does not meet academic eligibility requirements;
128 and

129 (b) providing information indicating that the home school student does not meet the
130 academic eligibility requirements.

131 (9) A principal shall review the affidavit submitted under Subsection (8), and if the
132 principal determines it contains information which constitutes probable cause to believe a
133 home school student may not meet academic eligibility requirements, the principal shall
134 request a panel established pursuant to Subsection (10) to verify the student's compliance with
135 academic eligibility requirements.

136 (10) (a) A school district superintendent shall:

137 (i) appoint a panel of three individuals to verify a home school student's compliance
138 with academic eligibility requirements when requested by a principal pursuant to Subsection
139 (9); and

140 (ii) select the panel members from nominees submitted by national, state, or regional
141 organizations whose members are home school students and parents.

142 (b) Of the members appointed to a panel under Subsection (10)(a):

143 (i) one member shall have experience teaching in a public school as a licensed teacher
144 and in home schooling high school-age students;

145 (ii) one member shall have experience teaching in a higher education institution and in
146 home schooling; and

147 (iii) one member shall have experience in home schooling high school-age students.

148 (11) A panel appointed under Subsection (10):

149 (a) shall review the affidavit submitted under Subsection (8);

150 (b) may confer with the person who submitted the affidavit under Subsection (8);

151 (c) shall request the home school student to submit test scores or a portfolio of work
152 documenting the student's academic achievement to the panel;

153 (d) shall review the test scores or portfolio of work; and

154 (e) shall determine whether the home school student meets academic eligibility
155 requirements.

156 (12) A home school student who meets academic eligibility requirements pursuant to
157 Subsection (11), retains academic eligibility for all extracurricular activities during the activity
158 season for which an affidavit is submitted pursuant to Subsection (6).

159 (13) (a) A panel's determination that a home school student does not comply with
160 academic eligibility requirements is effective for an activity season and all extracurricular
161 activities that have academic eligibility requirements.

162 (b) A home school student who is not in compliance with academic eligibility
163 requirements as determined by a panel appointed under Subsection (11) may seek to establish
164 academic eligibility under this section for the next activity season.

165 (14) (a) A public school student who has been declared to be academically ineligible to
166 participate in an extracurricular activity and who subsequently enrolls in a home school shall
167 lose eligibility for participation in the extracurricular activity until the student:

168 (i) demonstrates academic eligibility by providing test results or a portfolio of the
169 student's work to the school principal, provided that a student may not reestablish academic
170 eligibility under this Subsection (14)(a) during the same activity season in which the student
171 was declared to be academically ineligible;

172 (ii) returns to public school and reestablishes academic eligibility; or

173 (iii) enrolls in a private school and establishes academic eligibility.

174 (b) A public school student who has been declared to be behaviorally ineligible to
175 participate in an extracurricular activity and who subsequently enrolls in a home school shall
176 lose eligibility for participation in the extracurricular activity until the student meets eligibility
177 standards as provided in Subsection (3).

178 (15) When selection to participate in an extracurricular activity at a public school is
179 made on a competitive basis, a private school student [~~and~~] or a home school student shall be
180 eligible to try out for and participate in the activity as provided in this section.

181 (16) (a) If a student exits a public school to enroll in a private school or a home school
 182 mid-semester or during an activity season, and the student desires to participate in an
 183 extracurricular activity at the public school, the public school shall issue an interim academic
 184 assessment based on the student's work in each class.

185 (b) A student's academic eligibility to participate in an extracurricular activity under
 186 the circumstances described in Subsection (16)(a) shall be based on the student meeting public
 187 school academic eligibility standards at the time of exiting public school.

188 (c) A student may appeal an academic eligibility determination made under Subsection
 189 (16)(b) in accordance with procedures for appealing a public school student's academic
 190 eligibility.

191 Section 2. Section **53G-6-704** is amended to read:

192 **53G-6-704. Charter school students' participation in extracurricular activities at**
 193 **other public schools.**

194 (1) As used in this section:

195 (a) "Association" means the same as that term is defined in Section [53G-7-1101](#).

196 (b) "Extracurricular activity" means the same as that term is defined in Section
 197 [53G-7-501](#).

198 (c) "Initial establishment of eligibility requirements" means the same as that term is
 199 defined in Section [53G-6-703](#).

200 ~~[(1)]~~ (2) A charter school student is eligible to participate in an extracurricular activity
 201 not offered by the student's charter school at:

202 (a) the school ~~[within whose]~~ with attendance boundaries within which the student's
 203 custodial parent resides, if, for an interscholastic competition of athletic teams, the student did
 204 not initially establish the student's eligibility at another public school in grade 9 or 10;

205 (b) the public school from which the student withdrew for the purpose of attending a
 206 charter school; or

207 (c) a public school that is not a charter school if the student's charter school is located
 208 on the campus of the public school or has local school board approval to locate on the campus
 209 of the public school.

210 ~~[(2)]~~ (3) In addition to the public schools listed in Subsection ~~[(1)];~~ (2), the state board
 211 may establish rules to allow a charter school student to participate in an extracurricular activity

212 at a public school other than a public school listed in Subsection [(1):] (2).

213 [(3)] (4) A school other than a school described in Subsection [(1)(a), (b), or (c)] (2)

214 may allow a charter school student to participate in [~~extracurricular activities other than:~~] an
215 extracurricular activity a public school sponsors and supports if:

216 (a) for interschool competitions of athletic teams [sponsored and supported by a public
217 school; or], the charter school student meets the initial establishment of eligibility
218 requirements;

219 (b) for interschool contests or competitions for music, drama, or forensic groups or
220 teams [sponsored and supported by a public school:], the charter school student meets the entry
221 requirements for participation;

222 (c) the charter school student meets the eligibility requirements under this section; and

223 (d) the charter school student meets the enrollment requirements for public school in
224 accordance with Part 4, School District Enrollment.

225 [(4)] (5) A charter school student is eligible for an extracurricular [~~activities~~] activity at
226 a public school consistent with eligibility standards as applied to full-time students of the
227 public school.

228 [(5)] (6) A school district or a public school may not impose additional requirements
229 on a charter school student to participate in an extracurricular [~~activities~~] activity that are not
230 imposed on full-time students of the public school.

231 [(6)] (7) (a) The state board shall make rules establishing fees for charter school
232 students' participation in an extracurricular [~~activities~~] activity at school district schools.

233 (b) The rules shall provide that:

234 (i) charter school students pay the same fees as other students to participate in an
235 extracurricular [~~activities~~] activity;

236 (ii) charter school students are eligible for fee waivers pursuant to Section 53G-7-504;

237 (iii) for each charter school student who participates in an extracurricular activity at a
238 school district school, the charter school shall pay a share of the school district's costs for the
239 extracurricular activity; and

240 (iv) a charter school's share of the costs of an extracurricular activity shall reflect state
241 and local tax revenues expended, except capital facilities expenditures, for an extracurricular
242 activity in a school district or a school divided by total student enrollment of the school district

243 or the school.

244 (c) In determining a charter school's share of the costs of an extracurricular activity
 245 under Subsections [~~(6)(b)(iii) and (iv)~~] (7)(b)(iii) and (iv), the state board may establish
 246 uniform fees statewide based on average costs statewide or average costs within a sample of
 247 school districts.

248 [~~(7)~~] (8) When selection to participate in an extracurricular activity at a public school is
 249 made on a competitive basis, a charter school student is eligible to try out for and participate in
 250 the activity as provided in this section.

251 Section 3. Section **53G-6-705** is amended to read:

252 **53G-6-705. Online students' participation in extracurricular activities.**

253 (1) As used in this section:

254 (a) "Association" means the same as that term is defined in Section [53G-7-1101](#).

255 (b) "Extracurricular activity" means the same as that term is defined in Section
 256 [53G-7-501](#).

257 (c) "Initial establishment of eligibility requirements" means the same as that term is
 258 defined in Section [53G-6-703](#).

259 [~~(a)~~] (d) "Online education" means the use of information and communication
 260 technologies to deliver educational opportunities to a student in a location other than a school.

261 [~~(b)~~] (e) "Online student" means a student who:

262 (i) participates in an online education program sponsored or supported by the state
 263 board, a school district, or a charter school; and

264 (ii) generates funding for the school district or the school pursuant to Subsection
 265 [~~53F-2-102(4)~~] [53F-2-102\(5\)](#) and rules of the state board.

266 (2) An online student is eligible to participate in an extracurricular [~~activities~~] activity
 267 at:

268 (a) the school [~~within whose~~] with attendance boundaries within which the student's
 269 custodial parent resides, if, for an interscholastic competition of athletic teams, the student did
 270 not initially establish the student's eligibility at another public school in grade 9 or 10; or

271 (b) the public school from which the student withdrew for the purpose of participating
 272 in an online education program.

273 (3) A public school other than a school described in Subsection [~~(2)(a) or (b)~~] (2) may

274 allow an online student to participate in an extracurricular [~~activities other than~~] activity that
275 the public school sponsors and supports if:

276 (a) for interschool competitions of athletic teams sponsored and supported by a public
277 school[~~;~~ ~~or~~], the online school student meets the initial establishment of eligibility
278 requirements;

279 (b) for interschool contests or competitions for music, drama, or forensic groups or
280 teams sponsored and supported by a public school[~~;~~], the online school student meets the entry
281 requirements for participation;

282 (c) the online school student meets the eligibility requirements under this section; and

283 (d) the online school student meets the enrollment requirements for public school in
284 accordance with Part 4, School District Enrollment.

285 (4) An online student is eligible [~~for~~] to participate in an extracurricular [~~activities~~]
286 activity at a public school consistent with eligibility standards as applied to full-time students
287 of the public school.

288 (5) A school district or public school may not impose additional requirements on an
289 online school student to participate in an extracurricular [~~activities~~] activity that are not
290 imposed on full-time students of the public school.

291 (6) (a) The state board shall make rules establishing fees for an online school student's
292 participation in an extracurricular [~~activities~~] activity at school district schools.

293 (b) The rules shall provide that:

294 (i) online school students pay the same fees as other students to participate in an
295 extracurricular [~~activities~~] activity;

296 (ii) online school students are eligible for fee waivers pursuant to Section [53G-7-504](#);

297 (iii) for each online school student who participates in an extracurricular activity at a
298 school district school, the online school shall pay a share of the school district's costs for the
299 extracurricular activity; and

300 (iv) an online school's share of the costs of an extracurricular activity shall reflect state
301 and local tax revenues expended, except capital facilities expenditures, for an extracurricular
302 activity in a school district or school divided by total student enrollment of the school district
303 or school.

304 (c) In determining an online school's share of the costs of an extracurricular activity

305 under Subsections (6)(b)(iii) and (iv), the state board may establish uniform fees statewide
306 based on average costs statewide or average costs within a sample of school districts.

307 (7) When selection to participate in an extracurricular activity at a public school is
308 made on a competitive basis, an online student is eligible to try out for and participate in the
309 activity as provided in this section.